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Attorneys for Plaintiff James W. Brown

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JAMES W. BROWN, on behalf of himself
and all others similarly situated, on behalf
of the general public, and as an “aggrieved
employee” under the California Labor
Code Private Attorneys General Act,

Plaintiff,

vs.

CLEARPOINT ADVANTAGE, LLC,
dba ADVANTAGE SERVICES GROUP

Defendants.

Case No. CV 08-01640 WHA

**STIPULATION AND ~~PROPOSED~~ ORDER
RE DEADLINE TO FILE MOTION FOR
CLASS CERTIFICATION**

1 Plaintiff James W. Brown ("Plaintiff") and Defendant ClearPoint Advantage, LLC
2 ("Defendant" or "ClearPoint") hereby submit the following Stipulation and [Proposed] Order:

3 WHEREAS, in the Case Management Scheduling Order dated July 7, 2008, the Court
4 set November 26, 2008 as the deadline to file any motion for class certification;

5 WHEREAS, on July 25, 2008, the parties received a Notice of Settlement Conference
6 to be conducted on November 17, 2008;

7 WHEREAS, in the period following July 7, 2008, the Parties have informally exchanged
8 information related to underlying theories of liability and Defendant's distressed financial
9 condition;
10

11 WHEREAS, in light of Defendant's distressed financial condition and the impending
12 settlement conference, the Parties have endeavored to avoid any costly formal discovery and/or
13 motion practice in order that both sides can minimize legal fees and out-of-pocket expenses;
14 and
15

16 WHEREAS, in light of Defendant's distressed financial condition and the impending
17 settlement conference, the Parties would like to avoid engaging in the formal discovery
18 necessary for Plaintiff to prepare and file a class certification motion until after an opportunity
19 to participate in the scheduled settlement conference;

20 THEREFORE, IT IS HEREBY STIPULATED, by Plaintiff and Defendant, through
21 their respective counsel, that the deadline for Plaintiff to file his motion for class certification
22 should be continued to January 5, 2009. In so stipulating, the Parties are in agreement that if
23 the November 17, 2008 settlement conference does not resolve the matter, they will cooperate
24 in ensuring that Plaintiff is able to complete his class certification discovery promptly so as to
25 meet the continued motion filing deadline. The Parties further state that in requesting this
26 extension of time to file the motion for class certification, they are not requesting that the dates
27
28

related to the pretrial statement, pretrial conference or trial be changed in any way.

IT IS SO STIPULATED.

Dated: October 9, 2008

MORGAN, LEWIS & BOCKIUS LLP

By _____ /s/

Melinda S. Riechert
Attorneys for Defendant
ClearPoint Advantage, LLC, dba
Advantage Services Group

Dated: October 9, 2008

KELLER GROVER LLP

By _____ /s/

Eric A. Grover
Attorneys for Plaintiff
James W. Brown

Dated: October 9, 2008

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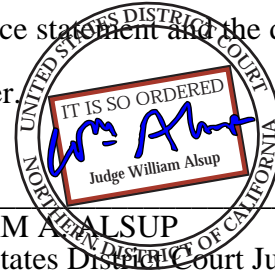
By _____/s/

Scot Bernstein
Attorneys for Plaintiff
James W. Brown

ORDER

Good cause appearing, IT IS HEREBY ORDERED THAT Plaintiff's Motion for Class Certification filing deadline that is currently set for November 26, 2008 shall be continued to January 5, 2009. The deadline to file the pretrial conference statement and the dates set for the pretrial conference and trial shall not be effected by this Order.

Date: October 15, 2008



WILLIAM A. ALSUP
United States District Court Judge

Granting this extension does not imply that class-wide due diligence can be compromised if absent class members' rights are to be released.